

Attr Docket #1266-001

### **ARGUMENTS**

#### **Rejection of Claims on Art Grounds in the 03/25/2004 Office Action, and Traversal Thereof**

In the 25 March 2004 Office Action, the following claim 10 was objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In the 25 March 2004 Office Action, the following claims were rejected under 35 U.S.C. 102(b):

- Claims 1, 3, 4, 7, 11, and 12 were rejected as being anticipated by Landers (4,779,389);
- Claims 1, 3, 4, 7, 11, and 12 were rejected as being anticipated by Kinnan (4,697,649);
- Claims 1-4, 7, and 9-12 were rejected as being anticipated by Phillips (4,702,057).

In the 25 March 2004 Office Action, the following claims were rejected under 35 U.S.C. 103(a):

- Claims 5 and 6 were rejected as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057);
- Claim 8 was rejected as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057) in view of Ritz (6,453,636);
- Claims 13 and 14 were rejected as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057) in view of Kozikowski (4,543,764).

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The above objection of claim 10 and the rejections of the claims 1-14 on the stated art grounds are traversed, and consideration of the patentability of the claims 1-14 is requested, in light of the following remarks.

Claim Objections

Claim 10 was objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 10 has been amended to correct the claim and put it in proper dependent form. As amended, claim 10 is now allowable as it affirmatively further limits the subject matter of a previous claim.

Claim Rejections - 35 USC § 102

Claim 1 has been amended to add the wording "above the ground" to elucidate and claim that the present invention can be utilized anywhere along the exterior of a monopole to reinforce it in areas under stress.

Parenthetical reference in the below discussion is in reference to the document being discussed.

*102(b) Landers Reference*

Claims 1, 3, 4, 7, 11, and 12 were rejected as being anticipated by Landers (4,779,389). Landers requires the reinforcement sleeve system to be below ground level (see Fig. 1; also see col. 11, lines 61-62). The present invention does not require the reinforcement sleeve system to be below the ground. Furthermore, Landers makes no reference of reinforcing the monopole at predetermined locations other than at ground level. The present invention is capable of being utilized at any predetermined location above the ground along the monopole. Therefore, for the aforementioned reasons, the

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present invention is not anticipated by Landers as the present invention is a different invention from that of Landers.

*102(b) Kinnan Reference*

Claims 1, 3, 4, 7, 11, and 12 were rejected as being anticipated by Kinnan (4,697,649). Kinnan also requires the reinforcement sleeve system to be below ground level (see Fig. 5; also see col. 17, lines 55-57). The present invention does not require the reinforcement sleeve system to be below the ground. Furthermore, Kinnan makes no reference of reinforcing the monopole at predetermined locations other than at ground level. The present invention is capable of being utilized at any predetermined location above the ground along the monopole. Therefore, for the aforementioned reasons, the present invention is not anticipated by Kinnan as the present invention is a different invention from that of Kinnan.

*102(b) Phillips Reference*

Claims 1-4, 7, and 9-12 were rejected as being anticipated by Phillips (4,702,057). Phillips again requires the reinforcement sleeve system to be below ground level (see Fig. 1; see also col. 2, lines 49-50). The present invention does not require the reinforcement sleeve system to be below the ground. Additionally, Figure 4 of Phillips only shows a test apparatus for the Phillips invention and not a functional representation of a reinforcement sleeve system. The present invention is capable of being utilized at any predetermined location above the ground along the monopole. Therefore, for the aforementioned reasons, the present invention is not anticipated by Phillips as the present invention is a different invention from that of Phillips.

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Claim Rejections - 35 USC § 103

*103(a) Landers, Kinnan, and Phillips Reference*

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057). Claim 1, as now amended, is patentable. Claims 5 and 6 are dependent claims based on claims which are dependent on claim 1 and therefore affirmatively further limit the subject matter of a previous patentable claim. Therefore, claims 5 and 6 are patentable.

*103(a) Landers, Kinnan, Phillips, and Ritz References*

Claim 8 was rejected as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057) in view of Ritz (6,453,636). Claim 1, as now amended, is patentable. Claim 8 is a dependent claim based on claim 1 and therefore affirmatively further limits the subject matter of a previous patentable claim. Therefore, claim 8 is patentable.

*103(a) Landers, Kinnan, Phillips, and Kozikowski References*

Claims 13 and 14 were rejected as being unpatentable over Landers (4,779,389) and Kinnan (4,697,649) and Phillips (4,702,057) in view of Kozikowski (4,543,764). Claim 1, as now amended, is patentable. Claims 13 and 14 are dependent claims based on claim 1 or a claim which is dependent on claim 1 and therefore affirmatively further limit the subject matter of a previous patentable claim. Therefore, claims 13 and 14 are patentable.

The above rejections of the claims 1-14, now amended, on the stated art and utility grounds are traversed, and consideration of the patentability of the claims 1-14 is requested, in light of the foregoing remarks. Favorable action is therefore requested.

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**CONCLUSION**

In view of the foregoing, claims 1-14, now amended, constituting the claims pending in the application, are submitted to be fully patentably and in allowable condition to address and overcome the rejections.

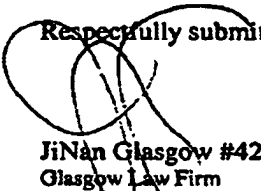
Claims 1-14, now amended, are asserted to be in patentable condition. Allowance of these claims is hereby respectfully requested. In the event that the Examiner finds additional minor modifications that would place these claims in allowable condition, the Examiner is respectfully requested to make telephonic contact with the Attorney of Record to discuss and make changes via Examiner's Amendment to place the claims in condition for allowance.

If any issues remain outstanding, incident to the allowance of the application, Examiner Simone is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at [jinang@trianglepatents.com](mailto:jinang@trianglepatents.com) to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art and particularly pointing out and distinctly claiming the subject matter that the applicant regards as the invention.

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This Office Action response is submitted via fax to the official group fax number  
at 703.872.9306 on July 19, 2004.

Respectfully submitted,

  
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